

TWENTY-FOURTH DAY

(Wednesday, February 24, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Formby	Shivers
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

A quorum was announced present. Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Fain was granted leave of absence for today on account of important business, on motion of Senator Stone.

Senator Lemens was granted leave of absence for today on account of important business, on motion of Senator Metcalfe.

Reports of Standing Committees

Senator Vick submitted the following reports:

Austin, Texas,
February 23, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Insurance to whom was referred S. B. No. 166, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VICK, Chairman.

Austin, Texas,
February 23, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Insurance to whom was referred S. B. No. 167, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VICK, Chairman.

Senator Weinert submitted the following reports:

Austin, Texas,
February 23, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred H. B. No. 153, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,
February 23, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred H. B. No. 146, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,
February 23, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred H. B. No. 145, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,
February 23, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred S. B. No. 206, have had the same

under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,
February 23, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred S. B. No. 205, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,
February 23, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred S. B. No. 165, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the attached Committee amendment, and be not printed.

WEINERT, Chairman.

Austin, Texas,
February 23, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred S. B. No. 169, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee substitute attached hereto do pass in lieu thereof and be printed.

WEINERT, Chairman.

Austin, Texas,
February 23, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred H. B. No. 165, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,
February 23, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred S. B. No. 213, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Senator Metcalfe submitted the following reports:

Austin, Texas,
February 24, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic to whom was referred S. B. No. 10, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

METCALFE, Chairman.

Austin, Texas,
February 24, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic to whom was referred S. B. No. 198, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

METCALFE, Chairman.

Austin, Texas,
February 24, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic to whom was referred S. B. No. 211, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

METCALFE, Chairman.

Austin, Texas,
February 24, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic to whom was referred H. B. No. 273, have had same

under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

METCALFE, Chairman.

Austin, Texas,
February 24, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic to whom was referred H. C. R. No. 42, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

METCALFE, Chairman.

Senator Stone submitted the following reports:

Austin, Texas,
February 24, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence to whom was referred S. B. No. 100, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

STONE, Chairman.

Austin, Texas,
February 24, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence to whom was referred S. B. No. 42, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass. Notice of minority report was given.

STONE, Chairman.

Senate Bills on First Reading

The following bills were introduced, read first time, and referred to the committees indicated:

By Senator Bullock:

S. B. No. 216, A bill to be entitled "An Act to appropriate funds out of the General Revenue Fund of the State of Texas to pay for the costs of giving college entrance examinations by the State Superintendent of Public Instruction for the remaining biennium of 1942-43 and for the reg-

ular biennium of 1943-45; and declaring an emergency."

To Committee on Finance.

By Senators Bullock, Morris, and Lovelady:

S. B. No. 217, A bill to be entitled "An Act providing for the refunding of the State of Texas bonds held for the account of the Permanent School Fund; creating the 'State of Texas Refunding Bonds, Series of 1943, Interest and Sinking Fund'; and providing that the State Treasurer shall set aside and deposit into such fund out of the first monies coming into his hands during each fiscal year from sources not expressly dedicated to other purposes, an amount sufficient to provide for the payment of the bonds herein authorized, together with interest payable thereon during the fiscal year; providing for and making an appropriation for the payment of such refunding bonds and interest thereon; making an appropriation to pay interest upon the bonds to be refunded; making an appropriation to pay the expenses incident to such refunding; and declaring an emergency."

To Committee on Finance.

By Senator Sulak:

S. B. No. 218, A bill to be entitled "An Act providing that any person of good moral character who, on May 22, 1937, had been engaged in the practice of architecture, in this State as his or her principal vocation for a period of at least six (6) months prior to said date and who failed to obtain a registration certificate as provided for in Section 7 of Chapter 478, Acts of 1937, Forty-fifth Legislature, may have thirty (30) days from the date upon which this Act goes into effect in which to file with the Board of Architectural Examiners the affidavit and pay the fee of Twenty-five (\$25.00) Dollars in order to obtain a certificate authorizing such person to practice Architecture in the State of Texas, as provided in said Act, and further amending said Act; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Sulak:

S. B. No. 219, A bill to be entitled "An Act to amend Subsection (5) of

Section 3 of S. B. No. 47, Chapter 470, Acts of the Regular Session of the Forty-fifth Legislature; so as to provide that any person who was a teacher on January 1, 1930, and who has rendered thirty-five years or more of creditable service as a teacher shall be a member and entitled to benefits under the Teachers Retirement Act, regardless of any other provision and such a person may apply at any time for service retirement; and declaring an emergency."

To Committee on Education.

By Senator York:

S. B. No. 220, A bill to be entitled "An Act amending Article 625 of the Code of Criminal Procedure of the State of Texas, 1925, as amended by Section 1, S. B. No. 401, Acts of the Regular Session of the Forty-sixth Legislature, so as to provide a compensation of Three (\$3.00) Dollars per day for special veniremen; and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator York:

S. B. No. 221, A bill to be entitled "An Act to amend Article 1057 of the Code of Criminal Procedure of Texas, 1925, and to amend Article 2122 of the Revised Civil Statutes of Texas, 1925, so as to provide for the payment of all persons summoned by the Court as jurors, regardless of whether or not they are sworn in as jurors, for each day or fraction thereof that they attend Court on said summons until they are dismissed; and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator York:

S. B. No. 222, A bill to be entitled "An Act amending Section 1 of H. B. No. 125, Chapter 33, page 85, Acts of the Second Called Session of the Forty-third Legislature, 1934; and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Lovelady:

S. B. No. 223, A bill to be entitled "An Act providing for county board meetings of certain counties, and limiting the numbers of sessions to be paid for; providing for their com-

pensation; providing the fund from which same shall be paid; and declaring an emergency."

To Committee on Counties.

By Senator Lovelady:

S. B. No. 224, A bill to be entitled "An Act to amend Article 5997 of the Revised Civil Statutes of Texas, Revision of 1925; and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Vick:

S. B. No. 225, A bill to be entitled "An Act to amend the subject matter embraced in Section 14 of Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, as amended, providing for interest and penalties on past due contributions, and providing for a limit on such penalties; providing for collection of contributions, penalties, and interest; and providing for a limitation on the period within which action can be brought for the collection of such contributions, penalties, or interest; providing means for the enforcement of the collection of contributions; providing for the making of audits by the Commission, and filing of reports by employers; and providing that such reports or audits, when made, constitute prima facie evidence of liability for taxes hereby imposed; providing for the granting of injunctions and appointing of receivers as aids in the collection of the tax hereby imposed; providing for the repeal of all laws and parts of laws in conflict herewith and the preservation of certain rights accrued heretofore; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Vick:

S. B. No. 226, A bill to be entitled "An Act making an appropriation of Five Hundred Fifty (\$550) Dollars, or so much thereof as may be necessary, to pay a certain judgment rendered on February 15, A. D. 1943, in the One Hundred Twenty-sixth District Court of Travis County, Texas, in cause number 67,829, wherein W. L. Priddy is plaintiff and the State of Texas is defendant, for the principle sum of Five Hundred (\$500) Dollars with interest at the legal rate of six (6) per cent per annum from

the date of said judgment until paid, and all costs of suit, of which costs there is a balance due of Five Dollars Eighty-five Cents (\$5.85), and providing further that the Comptroller of the State of Texas be directed to issue warrant to pay said judgment to the party herein named in payment of the same and the amount specified herein; and declaring an emergency."

To Committee on Finance.

(Senator Moffett in the Chair.)

House Bill 190 on Third Reading

The Presiding Officer laid the bill before the Senate on its third reading and final passage.

H. B. No. 190, A bill to be entitled "An Act providing for the setting of nets for the purpose of catching suckers, buffalo, carp, shad, and gar in waters of Fayette County during certain months; etc.; and declaring an emergency."

The bill was read third time.

Senator Sulak offered the following amendment to the bill:

Amend H. B. No. 190 by striking out in line 4, Section 4, the words and figures "Ten (\$10.00) Dollars" and insert in lieu thereof "One (\$1.00) Dollar."

The amendment was adopted unanimously.

The bill was passed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Formby	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York

Absent—Excused

Fain	Spears
Lemens	

House Bill 194 on Second Reading

Senator Martin moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature and that H. B. No. 194 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Formby	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York

Absent—Excused

Fain	Spears
Lemens	

(President in the Chair.)

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 194, A bill to be entitled "An Act authorizing any Independent School District containing all or more than one-half in area of a city of over one hundred thousand (100,000) population, to issue refunding bonds to provide funds to pay and cancel outstanding tax anticipation notes or certificates of indebtedness as herein defined and subject to limitations herein prescribed, and to levy a tax sufficient to pay such bonds and the interest thereon; etc.; and declaring an emergency."

The bill was read second time.

Senator Martin offered the following (committee) amendment to the bill:

Amend H. B. No. 194, Section 6, by striking out Section 6 and inserting in lieu thereof the following:

"Sec. 6. The fact that certain school districts are in immediate need of the authority conferred by this Act in order to reduce the disbursements now required to be made from de-

linquent maintenance taxes, and which should be paid from the taxes set aside for bond purposes, creates an emergency and an imperative public necessity that the constitutional rule which requires that bills be read on three several days in each House, and the constitutional rule requiring bills to go into effect ninety (90) days from and after their passage, be and the same are hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

Senator Moore offered the following amendment to the bill:

Amend H. B. No. 194, Section 1, by adding after the words "certificates of indebtedness" the words "outstanding at the time of the passage of this Act."

Also, amend the caption to conform.

The amendment was adopted.

The bill was passed to third reading.

House Bill 194 on Third Reading

Senator Martin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 194 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Formby	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York

Absent—Excused

Fain	Spears
Lemens	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Formby	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York

Absent—Excused

Fain	Spears
Lemens	

Message from the Governor

The following message from the Governor was received and was read to the Senate.

Austin, Texas,
February 24, 1943.

To the Senate of the Forty-eighth Legislature:

In compliance with the request contained in S. C. R. No. 18, I am returning to the Senate S. B. No. 79.

Respectfully submitted,

COKE R. STEVENSON,
Governor of Texas.

House Bill 4 on Second Reading

Senator Moffett moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature and that H. B. No. 4 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Beck	Lanning
Brownlee	Lovelady
Bullock	Martin
Chadick	Mauritz
Cotten	Metcalf
Formby	Moffett
Graves	Moore
Hazlewood	Morris
Jones	Ramsey
Kelley	Shivers

Stone	Weinert
Sulak	Winfield
Vick	York

Absent—Excused

Fain	Spears
Lemens	

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 4, A bill to be entitled "An Act to amend Article 6602, Title 115, Chapter 2, of the Revised Civil Statutes of 1925, so as to allow members of the armed forces outside of the United States to acknowledge legal documents and instruments before any commissioned officer in the armed forces of the United States of America; and declaring an emergency."

The bill was read second time.

Senator Moffett offered the following committee amendment to the bill:

Amend H. B. No. 4 by substituting in lieu of Section 1 the following:

"Section 1. Article 6602, Title 115, Chapter 2, of the Revised Statutes of 1925, is hereby amended so as to hereafter read as follows:

"Article 6602. The acknowledgment or proof of an instrument of writing for record may be made within this State before:

"1. A clerk of the district court.

"2. A judge or clerk of the county court.

"3. A notary public.

"Without the State, but within the United States or their territories before:

"1. A clerk of some court of record having a seal.

"2. A commissioner of deeds duly appointed under the laws of the State.

"3. A notary public.

"Without the United States before:

"1. A minister, commissioner of charge d'affaires of the United States, resident and accredited in the country where the proof or acknowledgment is made.

"2. A consul-general, consul, vice-consul, commercial agent, vice-commercial agent, deputy consul or consular agent of the United States, resident in the country where proof or acknowledgment is made.

"3. A notary public.

"The acknowledgment or proof of an instrument of writing for record may be made by a member of the Armed Forces of the United States or the Auxiliaries thereof without the territorial confines of the United States before the following:

"1. Any commissioned officer in the Armed Forces of the United States of America, in the Auxiliaries thereto, or any commissioned officer in the Armed Force Reserve of the United States of America or any Auxiliary thereto."

The amendment was adopted.

The bill was passed to third reading.

House Bill 4 on Third Reading

Senator Moffett moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 4 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Formby	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York

Absent—Excused

Fain	Spears
Lemens	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Formby
Beck	Graves
Brownlee	Hazlewood
Bullock	Jones
Chadick	Kelley
Cotten	Lane

Lanning	Ramsey
Lovelady	Shivers
Martin	Stone
Mauritz	Sulak
Metcalf	Vick
Moffett	Weinert
Moore	Winfield
Morris	York

Absent—Excused

Fain	Spears
Lemens	

Resolution Signed

The President signed in the presence of the Senate, after its title had been read, the following enrolled resolution:

H. C. R. No. 43, Extending greetings to Dr. Ramiro Callez; Vice President of Lions International.

Hour for Executive Session Set

Senator Brownlee asked unanimous consent of the Senate that an executive session of the Senate be held at 11:30 o'clock a. m. today.

There was no objection offered, and it was so ordered.

Motion to Take up House Bill 159

Senator Aikin moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature and that H. B. No. 159 be taken up for consideration at this time.

The motion was lost by the following vote (not receiving the necessary four-fifths vote of the Senate's entire membership):

Yeas—23

Aikin	Lanning
Beck	Lovelady
Brownlee	Martin
Bullock	Mauritz
Chadick	Metcalf
Cotten	Moffett
Formby	Morris
Graves	Ramsey
Hazlewood	Sulak
Jones	Vick
Kelley	York
Lane	

Nays—5

Moore	Weinert
Shivers	Winfield
Stone	

Absent—Excused

Fain	Spears
Lemens	

Senate Bill 134 on Second Reading

Senator Jones moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature and that S. B. No. 134 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Formby	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York

Absent—Excused

Fain	Spears
Lemens	

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 134, A bill to be entitled "An Act to amend Article 5736c of Chapter 287, H. B. No. 419, Acts of the Regular Session of the Forty-second Legislature so as to provide for greater punishment and penalties for violation; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 134 on Third Reading

Senator Jones moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 134 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Brownlee
Beck	Bullock

Chadick	Metcalf
Cotten	Moffett
Formby	Moore
Graves	Morris
Hazlewood	Ramsey
Jones	Shivers
Kelley	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

Absent—Excused

Fain	Spears
Lemens	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Formby	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lane	Winfield
Lanning	York
Lovelady	

Absent

Weinert

Absent—Excused

Fain	Spears
Lemens	

Senate Bill 223 Re-referred

On motion of Senator Lovelady, S. B. No. 223 was referred from the Committee on Counties to the Committee on Education.

House Bill 153 on Second Reading

On motion of Senator Winfield, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 153, A bill to be entitled "An Act to amend Subdivision 38, of Article 199, Title 8, Revised Statutes of 1925, as amended by Act of the Forty-fifth Legislature at its

Regular Session, page 484, Chapter 246, and providing for changing and prescribing terms and times for holding the courts in the counties composing the 38th Judicial District of Texas; validating and continuing all processes and writs, bonds and recognizances, and making them returnable to the terms of court in the several counties as herein fixed; etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

House Bill 153 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 153 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Formby	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lane	Winfield
Lanning	York
Lovelady	

Absent

Weinert

Absent—Excused

Fain	Spears
Lemens	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Chadick
Beck	Cotten
Brownlee	Formby
Bullock	Graves

Hazlewood	Moore
Jones	Morris
Kelley	Ramsey
Lane	Shivers
Lanning	Stone
Lovelady	Sulak
Martin	Vick
Mauritz	Winfield
Metcalf	York
Moffett	

Absent

Weinert

Absent—Excused

Fain	Spears
Lemens	

Committee Substitute Senate Bill 81 on Engrossment

Senator Hazlewood called from the table, on its passage to engrossment (the bill having been read second time and tabled subject to call on February 18, 1943):

C.S.S.B. No. 81, A bill to be entitled "An Act to amend Article 2654b-1, under Chapter 9a, entitled Tuition and Control of Funds of State Institutions, under Title 49, entitled Education—Public, of the Revised Civil Statutes of the State of Texas, of the Year 1925 Codification, by adding a new Section under such Article to be known as Section 3, exempting all persons who have served as members or nurses, or are now serving, or who may hereafter serve in the armed forces of the United States of America during the present world war, from the payment of certain dues, fees, and charges."

The President laid the bill before the Senate.

Senator Hazlewood offered the following amendments to the bill:

(1)

Amend Committee substitute for S. B. No. 81 by striking out all below the enacting clause and substituting in lieu thereof the following:

"Section I. Article 2654b-1, under Chapter 9a, under Title 49, entitled Education—Public, of the Revised Civil Statutes of the State of Texas as contained in the Codification of the Year 1925, and as amended by Acts of the Forty-third Legislature, is hereby amended by adding a new Section thereto to be known as Section 3 which shall read as follows:

"Sec. 3. All of the above and foregoing provisions, conditions and benefits hereinabove in this Article provided for in Section 1 and in Section 2 shall apply and accrue to the benefit of all nurses, members of the Women's Army Auxiliary Corps, Women's Auxiliary Volunteer Emergency Service, and all members of the United States armed forces, regardless of whether members of the United States Army or of the United States Navy or the United States Coast Guard, who have, or are now serving, or who may after the passage of this Act, serve in the armed forces of the United States of America during the present World War Number Two, being the war now being prosecuted, and which was entered into on or shortly after December 7, 1941, by the United States of America against what are commonly known as the Axis Powers, provided further that all the above and foregoing persons named have been honorably discharged from the services in which they were engaged. And, provided further, that the benefits and provisions of this Act shall also apply and inure to the benefit of the children of members of the United States Armed Forces, where such members were killed in action or died while in the service. The provisions of this Act shall not apply to or include any member of such United States Armed Forces, or other persons hereinabove named, who were discharged from the service in which they were engaged because of being over the age of thirty-eight (38) years or because of a personal request on the part of such person to be discharged from such service."

"Other than as amended herein, present Article 2654b-1 is hereby re-enacted and shall in all things continue in full force and effect subject only to the addition of the above Section to be known as Section 3.

"Sec. II. The fact that there are a great many of the members of the United States armed forces who have already been killed in action and a great many who have been discharged from active service because of injuries received in action, or who have been discharged because of sickness or illness while in active service and now desire to attend State educational institutions of higher learning and continue in the educational pursuits in

which they were engaged at the time of entering into active service, and the further fact that there is now no provision for exempting such persons who have been discharged, or the orphans of such persons who have been killed, from the payment of fees, as provided herein, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and the constitutional rule requiring bills to go into effect ninety (90) days from and after their passage, be and the same are hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

(2)

Amend Committee substitute for S. B. No. 81 by striking out all above the enacting clause and substituting in lieu thereof the following:

"An Act to amend Article 2654b-1, under Chapter 9a, entitled Tuition and Control of Funds of State Institutions, under Title 49, entitled Education-Public, of the Revised Civil Statutes of the State of Texas, of the Year 1925 Codification, and as amended by Acts of the Forty-third Legislature, by adding a new Section under such Article to be known as Section 3, exempting all persons who have served as members of the Women's Army Auxiliary Corps, Women's Auxiliary Volunteer Emergency Service, as members or nurses of the armed forces, or who are now serving or who may hereafter serve in the armed forces of the United States of America during the present world war, and exempting children of any of the above named persons who may be killed in action or die while in the service, from the payment of certain dues, fees and charges; and declaring an emergency."

HAZLEWOOD,
MOFFETT.

The amendments were adopted severally.

The bill was then passed to engrossment.

Committee Substitute Senate Bill 81 on Third Reading

Senator Hazlewood moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No.

81 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Formby	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York

Absent—Excused

Fain	Spears
Lemens	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Formby	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York

Absent—Excused

Fain	Spears
Lemens	

Report of Standing Committee

Senator Lovelady, by unanimous consent, submitted at this time the following report:

Austin, Texas,
February 24, 1943

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Educational Affairs to whom was referred

S. B. No. 223, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

LOVELADY, Chairman.

Senate Bill 223 on Second Reading

Senator Lovelady moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 223 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Formby	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York

Absent—Excused

Fain	Spears
Lemens	

The President laid S. B. No. 223 before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

Senate Bill 223 on Third Reading

The President then laid S. B. No. 223 before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Winfield asked to be recorded as voting "nay" on the passage of the bill.

Executive Session

At 11:30 o'clock a. m., the President announced the arrival of the hour for an executive session of the Senate

Accordingly, the floor and galleries were cleared of those not entitled to

attend the executive session, and the doors leading from the Senate Chamber were closed.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk the following report had been adopted by the Senate:

Austin, Texas,
February 24, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom was referred the following nominations:

To be Members of The Texas Prison Board for six year terms expiring February 2, 1949:

Barney L. Harrison of Greenville, Hunt County;

J. E. Wheat of Woodville, Tyler County;

George Sealy of Galveston, Galveston County.

To be Member (Ex Officio) of The Texas Civil Judicial Council for the term beginning January 1, 1943:

Judge James W. McClendon of Austin, Travis County.

Have had the same under consideration and do recommend that they be in all things confirmed.

BROWNLEE, Chairman.

In Legislative Session

The President called the Senate to order as in legislative session at 12:20 o'clock p. m.

Minority Report on Senate Bill 42

Senator Morris submitted the following report:

Austin, Texas,
February 24, 1943

Hon. John Lee Smith, President of the Senate.

Sir: We, a minority of your Committee on Criminal Jurisprudence, to whom was referred S. B. No. 42, have had the same under consideration and beg leave to report our recommendation that it do pass and be printed, and that this report be in lieu of the majority report unfavorably reporting said bill.

Respectfully submitted by the undersigned, having been present in the Committee at the time said bill was

reported unfavorably, and voting for a favorable report for said bill, and that said notice of minority report was duly and seasonably made.

METCALFE,
LOVELADY,
LANE.

Senate Concurrent Resolution 22

Senator York, by unanimous consent, offered at this time the following resolution:

Be It Resolved by the Senate of Texas, the House of Representatives concurring:

The Enrolling and Engrossing Clerk of the Senate is instructed to correct the caption of S. B. No. 79 so that it will read as follows:

"An Act to amend Subdivision 85 of Article 199, Title 8, of the Revised Statutes of Texas, 1925, so as to change the time and terms of holding the 85th District Court in Robertson and Brazos Counties, constituting the 85th Judicial District; validating processes issued or served before this Act takes effect, including recognizances and bonds, and making them returnable to the next term of court in said counties and district, as herein fixed; to validate the summoning of grand and petit juries under this Act; providing for apportionment of reporter's salary; and declaring an emergency."

The resolution was read, and by unanimous consent, it was considered immediately, and was adopted.

Senate Resolution 44

(To Provide for Block Picture)

Senator Morris, by unanimous consent, offered at this time the following resolution:

Be It Resolved by the Senate of Texas, That a committee of three Senators be appointed to arrange for having photographs made of the Governor, Lieutenant Governor, and Senators and Secretary of the Senate of the Forty-eighth Legislature and hung in the Senate Chamber; be it further Resolved, That the cost of same be paid if necessary, out of the Contingent Expense Fund of the Forty-eighth Legislature.

The resolution was read, and by unanimous consent, it was considered immediately, and was adopted.

Adjournment

On motion of Senator Martin, the Senate, at 12:25 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

TWENTY-FIFTH DAY

(Thursday, February 25, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Fain	Ramsey
Formby	Shivers
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York

A quorum was announced present. Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence Granted

Senator Lemens was granted leave of absence for today on account of important business, on motion of Senator Metcalfe.

Communications Regarding Shortage of Feeds

Senator Brownlee submitted the following telegraphic communications and obtained unanimous consent to have them printed in the Journal:

(1)

Washington, D. C.,
February 24, 1943,
—2:45 p. m.

Hon. Houghton Brownlee, Chairman, Investigation Committee, State Senate, Austin, Texas.

Retel Marvin Jones, W. H. Jasspon, Director Oil Seeds Division Com-